

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ALEMAYEHU JIMMA,

Plaintiff,

vs.

CITY OF SEATTLE POLICE DEPT.,

Defendant.

No. 2:18-CV-00771-RSL

DEFENDANT'S PRETRIAL STATEMENT
AND PROPOSED ORDER

Pursuant to Local Rule 16, Defendant presents the following Pretrial Statement.

**OBJECTIONS, ADDITIONS OR CHANGES DEFENDANT BELIEVES SHOULD BE
MADE TO PLAINTIFF'S STATEMENT ON FEDERAL JURISDICTION AND
ADMITTED FACTS**

Plaintiff has failed to submit his pretrial statement and the deadline for submission of Plaintiff's pretrial statement (August 7, 2019) has passed. LCR 16. Thus, Defendant reserves its right to submit this portion of Defendant's pretrial statement pending receipt of Plaintiff's pretrial statement.

AFFIRMATIVE DEFENSES AND/OR CLAIMS

The Defendant will rely on the following affirmative defenses and/or claims:

1. Plaintiff has failed to state a claim for which relief may be granted.
2. Defendant has not violated any rights, privileges, or immunities under the Constitution or the laws of the United States, the State of Washington, or any political subdivision thereof.
3. Any damages suffered by Plaintiff are due to his own conduct or fault.
4. At all times relevant to the acts alleged in the Complaint, the duties and functions of officials employed by the City of Seattle and its agencies or departments entailed the reasonable exercise of lawful discretion.
5. The Seattle Police Department is not a suable entity.
6. A municipality cannot be held liable under 42 U.S.C. §1983 on a respondeat superior theory. *Monell v. Dep't of Soc. Serv. of City of New York*, 436 U.S. 658, 691 (1978).
7. Officers employed by the City of Seattle are entitled to qualified immunity in connection with the allegations in the Plaintiff's Complaint.
8. Plaintiff failed to mitigate his damages, if any.

**OBJECTIONS, ADDITIONS OR CHANGES DEFENDANT BELIEVES SHOULD BE
MADE TO PLAINTIFF'S STATEMENT OF ISSUES OF LAW**

Plaintiff has failed to submit his pretrial statement and the deadline for submission of Plaintiff's pretrial statement (August 7, 2019) has passed. LCR 16. Thus, Defendant reserves its right to submit this portion of Defendant's pretrial statement pending receipt of Plaintiff's pretrial statement.

DEFENSE WITNESSES

1. Officer Steven Bale (will testify)

1 c/o Seattle City Attorney's Office
2 701 Fifth Ave., Suite 2050
3 Seattle, WA 98104

4 2. Officer Jennifer Gardner (possible witness only)
5 c/o Seattle City Attorney's Office
6 701 Fifth Ave., Suite 2050
7 Seattle, WA 98104

8 3. Officer Christina Bradley (will testify)
9 c/o Seattle City Attorney's Office
10 701 Fifth Ave., Suite 2050
11 Seattle, WA 98104

12 4. Principal and staff at Bailey Gatzert Elementary School (possible witness only)
13 1301 E Yesler Way
14 Seattle, WA 98122

15 5. Victim, A.W. (possible witness only)
16 Private address

17 DEFENSE EXHIBITS

18 1. The Parenting Plan signed by Judge/Commissioner Melinda Johnson Taylor on May 22,
19 2017 in Case No. 14-5-00445-2 SEA.

20 2. The Lifetime Protection Order issued by the King County Superior Court on September 14,
21 2015 in Case No. 14-5-00445-2 SEA.

22 3. The Temporary Order for Protection and Notice of Hearing in Case No. 17-2-33119-8 SEA.

23 Defendant intends to present exhibits in electronic format to jurors.

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PORTIONS OF DEPOSITION TRANSCRIPTS

No depositions have occurred in this matter.

DATED this 16th day of August, 2019.

PETER S. HOLMES
Seattle City Attorney

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*Attorneys for Defendant City of Seattle on behalf of Seattle
Police Department*

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

And I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Alemayehu Jimma
14019 32nd Ave. NE, Apt. 41
Seattle, WA 98125-3628
[Pro Se Plaintiff]

s/ Jennifer Litfin
Jennifer Litfin, Legal Assistant